

## **REMARKS**

### **Formal Matters**

Claims 1-21 were Examiner. No claims allowed, but claims 2, 3 and 6 were indicated to present allowable subject matter. Claim 1 is cancelled, without prejudice, leaving claims 2-21 pending. Claims 2-6 and 8 are amended. No new matter is added.

### **Claim Objections and Clam Rejections under 35 U.S.C. §112, ¶2**

Claims 1, 2, 3, 6 and 8-21 are believed to have been appropriately corrected by virtue of the amendments to claims 1, 2, 3, 6, 8 and 15. As such, withdrawal of the objection/rejection(s) is respectfully requested.

### **Claim Rejections under 35 U.S.C. §§102 and 103**

Claims 2, 3 and 6 were indicated by the Examiner to be allowable if rewritten in independent form including all of the limitations of their base claim and intervening limitations and upon correction of the §112, ¶2 rejections. In order to expedite prosecution in the present application Applicants have so-rewritten claims 2 and 3 in this manner in order that they be found allowable. See the "Comment" below regarding claim 6. In any case, this claim has been corrected to handle the §112 issues and incorporate its base claim.

In addition, it is noted that the remainder of the pending claims incorporate the limitations of claims 2, 3, and 6 – by claim dependency or otherwise. Accordingly, the present application is believed to be in condition for allowance.

Regarding the rejections under §§102 and 103, Applicants intend no acquiescence to their merits based on the present action. The rejections simply need not be addressed presently in order to offer a fully response paper to the outstanding Office Action.

**Comment**

Applicants note that in the reasons for allowance that claim 6 was indicated as allowable by virtue of a perceived dependency on claim 3. However, claim 6 was dependent upon claim 5, that claim being dependent on claim 1. Claim 6 now merely incorporates the limitations of claim 1 - whereas it never incorporated the limitations of claim 3. Still, it is believed to present allowable subject matter since there is no rejection on art that has been made in the Office Action.

**Conclusion**

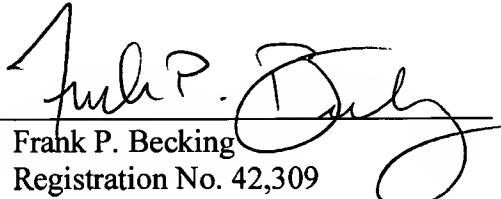
Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-031.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 12/23/03

By:

  
Frank P. Becking  
Registration No. 42,309

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231